

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

MOUNTAIN VALLEY PIPELINE, LLC,)

Plaintiff,

v.

**TREE-SITTER 1,
TREE-SITTER 2,
PHILLIP FLAGG,
EMMA HOWELL,
JORDAN ROMEO,
EVIN UGUR,
JOHN DOES 1-10,**

Defendants

Civil Action No. 7:19-cv-00565

DEFENDANTS' MOTION FOR EXTENSION OF TIME

NOW COME Defendants Phillip Flagg ("Flagg"), Emma Howell ("Howell"), Jordan Romeo ("Romeo"), and Evin Ugur ("Ugur") (collectively "the Defendants"), by counsel, pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, and without waiving any available defenses or rights, hereby move this Honorable Court for an extension of time to file objections, defenses, responsive pleadings, and an answer and in support thereof state as follows:

1. This removed civil action was filed in the Circuit Court for the County of Montgomery on August 6, 2019.
2. The Defendants have not been served process.
3. The Defendants did not file objections to personal jurisdiction, responsive pleadings, defenses or an answer in the State Court prior to removal of the action.

3. The time to serve further pleadings by the Defendants in a removed action as prescribed by Rule 81(c) of Federal Rules of Civil Procedure turns on the date of service.

4. Without accepting service or waiving objections to service, the Defendants nevertheless would serve objections to service and defenses by August 27, 2019, but for the anticipated remand to State Court.

5. Any objections and defenses served before the anticipated remand would be moot once the action is remanded.

6. Therefore, the Defendants request an extension of time to serve objections to personal jurisdiction, responsive pleadings, defenses and an answer not to exceed 21 days from the remand to State Court

7. The extension of time will not prejudice MVP, LLC because it has not served the Defendants.

8. In addition, the extension of time will not prejudice MVP, LLC because itself stopped construction work on the pipeline on the afternoon of August 15, 2019, three days after the filing of a Petition for Review in the Fourth Circuit Court of Appeals which Petition challenges the Biological Opinion and Incidental Take Statement of the U.S. Fish and Wildlife Service for the pipeline project under the Endangered Species Act (Wild Virginia, et al. v. United States Department of the Interior, No. 19-1866). On August 21, 2019, the Petitioners in that case filed a Motion for Stay.

9. By filing this Motion for Extension of Time, Defendants do not waive any of their denials, objections or affirmative defenses. No other Defendants have made an appearance in this case.

10. Defendants attempted to confer with MVP prior to seeking this extension of time but had not received a response by the time this was filed.

WHEREFORE, pursuant to Rule 6(b)(1)(A) and the foregoing reasons, and any others that may appear to this Court, the Defendants respectfully request an extension of time to serve objections, defenses, responsive pleadings, and an answer.

Respectfully Submitted,
PHILLIP FLAGG
EMMA HOWELL
JORDAN ROMEO
EVIN UGUR
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2019, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notification of such filing (NEF) to the following:

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